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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/611,648	
	Filing Date	Jul 1, 2003	
	First Named Inventor	Pressly et al	
	Art Unit	3763	
	Examiner Name	Chris L. Rodriguez	
Total Number of Pages in This Submission		Attorney Docket Number	MSF-7-CON

ENCLOSURES (Check all that apply)		
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Robertson & Mullinax, LLC		
	J. Bennett Mullinax, Reg. No. 36,221		
Signature	<i>J. B. Mullinax</i>		
Date	June 28, 2004		

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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name		Peggy S. Baker	
Signature	<i>Peggy S. Baker</i>	Date	June 28, 2004

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PATENT

ATTORNEY DOCKET NO.: MSF-7-CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Pressly et al	)	Examiner:	Chris L. Rodriguez
S/N:	10/611,648	)	Art Unit:	3763
Filed:	07/01/2003	)	Conf. No.:	2083
Title:	Safety Syringe	)		

RESPONSE TO SPECIES ELECTION REQUIREMENT

Mail Stop Amendments  
Commissioner For Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement of May 28, 2004, Applicant elects with traverse the species of Figures 1 through 28.

Applicant respectfully traverses the species election to the extent the Examiner has indicated that there are no generic claims. Applicant respectfully submits that claim 40 is generic with respect to the four species identified by the Applicant. For instance, all four species, A, B, C, and D, illustrate a structure suitable for carrying out the process of claim 40. All the structures involve forcing a plunger to sever a sacrificial support; forcing an end portion of the needle to tear a base of the plunger; and propelling the needle into a hollow of the plunger. To the extent all four species illustrate the claimed features, Applicant respectfully submits that at least claim 40 is generic.

Applicant respectfully submits that claim 41 is also generic with respect to the four species identified by the Examiner. Each of the four species discloses a barrel meeting the claim limitations of claim 41. Likewise, each of the four species provides for a plunger having a forward end and moveable within the barrel. Further, each of the illustrated species has a deformable base within the barrel positioned between the first

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and second end of the barrel and in which there are sacrificial supports in the barrel for supporting the deformable base. Likewise, the four species set forth by the Examiner all provide for a hollow needle with the rear end received within the deformable base along with appropriate energy storage means within the barrel and a rupturable boot on the forward end of the plunger. In operation, following injection of a fluid through the barrel, the rupturable boot makes contact with the base causing the rear end of the needle to be ejected into the interior of the plunger.

With respect to dependent claims 43 and 44, Applicant respectfully submits that all four illustrated embodiments illustrate a cylindrical needle head having a cylindrical, deformable base.

In view of the above arguments, Applicant respectfully submits that pending claims 40 through 44 are generic to the species identified by the Examiner.

Applicant respectfully submits that all pending claims are presently in condition for examination. The Examiner is invited to contact the undersigned to discuss any minor issue which remains following consideration of Applicant's response to the Species Election Requirement.

Please charge any additional fees required to Deposit Account No. 50-2802.

Respectfully submitted,  
ROBERTSON & MULLINAX, LLC

A handwritten signature in black ink, appearing to read "J. B. Mullinax", written in a cursive style.

J. Bennett Mullinax  
Reg. No. 36,221